

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA

In Re: FEMA TRAILER
FORMALDEHYDE PRODUCTS
LIABILITY LITIGATION

MDL NO. 07-1873

SECTION "N" (5)

THIS DOCUMENT RELATES TO
Member Case No. 09-2892

ORDER AND REASONS

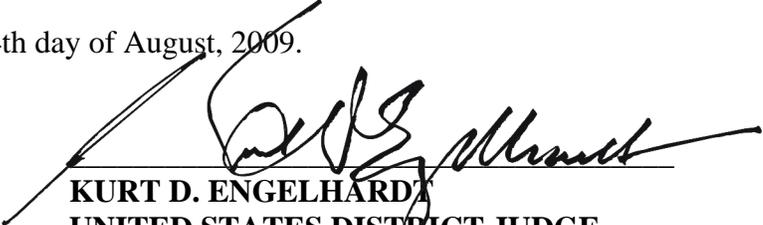
Before the Court is Plaintiff's Motion for Partial Summary Judgment with Respect to Certain of Gulf Stream Coach, Inc.'s Affirmative Defenses (Rec. Doc. 2727). In this motion, Plaintiff, Alana Alexander, individually and on behalf of Christopher Cooper ("Plaintiff"), requests that the Court grant her motion and enter an order of summary judgment on the Second, Eighth, Tenth, Thirteenth, Fifteenth, and Twenty-Sixth affirmative defenses of Gulf Stream Coach, Inc. ("Gulf Stream"). After considering the memoranda of the parties and the applicable law, the Court rules as set forth herein.

In Gulf Stream's Opposition to the instant motion (See Rec. Doc. 2773), it withdraws its Tenth, Thirteenth, and Twenty-Sixth affirmative defenses. Thus, Plaintiffs' motion is granted to the extent these affirmative defenses are dismissed. As for the remaining affirmative defenses to which this motion pertains (i.e., the Second, Eighth, and Fifteenth affirmative defenses), this motion is denied as the Court concludes that there are general issues of material fact that exist

with respect to them.

Considering the foregoing, **IT IS ORDERED** the **Plaintiff's Motion for Partial Summary Judgment with Respect to Certain of Gulf Stream Coach, Inc.'s Affirmative Defenses (Rec. Doc. 2727)** is **GRANTED IN PART** and **DENIED IN PART** as expressed herein.

New Orleans, Louisiana, this 24th day of August, 2009.



KURT D. ENGELHARDT
UNITED STATES DISTRICT JUDGE